

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

VICTOR TAGLE,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

Case No. 2:16-cv-00851-JAD-GWF

**ORDER**

This matter is before the Court on Plaintiff's Application to Proceed *In Forma Pauperis* (ECF No. 1), filed on April 12, 2016.

Plaintiff is an inmate in the custody of the Nevada Department of Corrections ("NDOC") proceeding *pro se*. Plaintiff has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and requests permission to proceed *in forma pauperis*. (ECF No. 1, 1-1). However, on at least three (3) occasions, this Court has dismissed civil actions commenced by Plaintiff while in detention as frivolous or for failure to state a claim upon which any relief may be granted. *See Tagle v. State of Nevada, et al.*, 2:15-cv-02083-RCJ-GWF (dismissed for failure to state a claim); *Tagle v. State of Nevada, et al.*, 2:15-cv-02358-MMD-PAL (dismissed for maliciousness and failure to state a claim); and *Tagle v. State of Nevada, et al.*, 2:16-cv-00852-JAD-VCF (dismissed for maliciousness and failure to state a claim). The Court takes judicial notice of its prior records in the above matters.

Pursuant to 28 U.S.C. § 1915(g), "if [a] prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon

1 which relief may be granted,” he may not proceed *in forma pauperis* and, instead, must pay the full  
2 \$400.00 filing fee in advance unless he is “under imminent danger of serious physical injury.” 28  
3 U.S.C. § 1915(g).

4 In his complaint, Plaintiff alleges claims of fraud, obstruction of justice, abuse of authority,  
5 and professional negligence and misconduct in relation to his civil lawsuit that was dismissed by  
6 the Nevada Supreme Court on February 26, 2016. The Court finds that these allegations fail to  
7 plausibly allege that Plaintiff is in imminent danger of serious physical injury. *See Andrews v.*  
8 *Cervantes*, 493 F.3d 1047, 1055 (9th Cir. 2007) (holding that the exceptions to § 1915(g) applies if  
9 the complaint makes a plausible allegation that the prisoner faced imminent danger of serious  
10 physical injury at the time of filing). Accordingly,

11 **IT IS HEREBY ORDERED** that Plaintiff’s Application to Proceed *In Forma Pauperis*  
12 (ECF No. 1) is **denied**.

13 **IT IS FURTHER ORDERED** that Plaintiff shall have until February 8, 2017 to pay the  
14 appropriate filing fee of \$400.00 (which includes the \$350 filing fee and the \$50 administrative  
15 fee).

16 **IT IS FURTHER ORDERED** that if Plaintiff does not timely comply with this order,  
17 dismissal of this action may result.

18 DATED this 11th day of January, 2017.

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21 GEORGE FOLEY, JR.  
22 United States Magistrate Judge  
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